

# Knobbe Martens Olson & Bear LLP

## Intellectual Property Law

Louis J. Knobbe  
 Dan W. Martens\*  
 Gordon H. Olson\*  
 James B. Bear  
 Darrell L. Olson\*  
 William B. Bunker  
 William H. Nieman  
 Arthur S. Rose  
 James F. Lesniak  
 Ned A. Israelsen  
 Drew S. Hamilton  
 Jerry Y. Sewell  
 John B. Sganga, Jr.  
 Edward A. Schleiter  
 Gerard von Hoffmann  
 Joseph R. Re  
 Catherine J. Holland  
 John M. Carson  
 Karen Vogel Well  
 Andrew H. Simpson  
 Jeffrey L. Van Hoosier  
 Daniel E. Altman  
 Marguerita L. Gunn  
 Stephen C. Jensen  
 Vito A. Canuso III  
 William H. Shreve  
 Lynda J. Zadra-Symet  
 Steven J. Matavsky  
 Paul A. Stewart  
 Joseph F. Jennings  
 Craig S. Summers  
 Ann-Marie Kaiser  
 Branton R. Babcock  
 Thomas F. Smegal, Jr.  
 Michael H. Trenholm  
 Craig M. Reed  
 Ronald J. Schoenbaum  
 John R. King  
 Frederick S. Barretta  
 Nancy W. Venaku  
 John P. Giezentanner  
 Adeel S. Akhtar  
 Ginger R. Dreyer  
 Thomas R. Arno  
 David N. Weiss  
 Daniel Hart, Ph.D.

Douglas G. Muehlhauser  
 Lori Lee Yamato  
 Michael K. Friedland  
 Dale C. Hunt, Ph.D.  
 Richard E. Campbell  
 Paul D. Tripodi II  
 Stacey R. Halpern  
 Lee W. Henderson, Ph.D.  
 Mark M. Abumeri  
 Jon W. Gurka  
 John W. Holcomb  
 Joseph M. Reisman, Ph.D.  
 Michael L. Fuller  
 Deborah S. Shepherd  
 Eric M. Nelson  
 Mark R. Benedict, Ph.D.  
 Paul N. Conover  
 Robert J. Raby  
 Sabina H. Lee  
 Karoline A. Delaney  
 James J. Mullin III, Ph.D.  
 Joseph S. Cianfrani  
 William R. Zimmerman  
 Glen L. Nuttall  
 Eric S. Furman, Ph.D.  
 Tizah Abd Lows  
 Sanjivpal S. Gill  
 Susan Moss Natland  
 James W. Hill, M.D.  
 Rose M. Thiessen, Ph.D.  
 Michael A. Gullana  
 Mark J. Keriz  
 Rabinder N. Narula  
 Bruce S. Ichikawitz, Ph.D.  
 Peter M. Midplay  
 Thomas S. McClenahan  
 Michael S. Okamoto  
 John M. Grever  
 Mailary K. De Merlier  
 Irfan A. Laleef  
 Sharon S. Ng  
 Mark J. Gallegher, Ph.D.  
 David G. Jankowski, Ph.D.  
 Brian C. Horne  
 Payson J. LeMeilleur  
 Sheila N. Swaroop

550 West C Street  
 Suite 1200  
 San Diego CA 92101  
 Tel 619-235-8550  
 Fax 619-235-0176  
 knob.com

September 4, 2002  
 3:23 PM

CONFIRMATION COPY WILL FOLLOW VIA:

- MAIL
- INTERNATIONAL AIRMAIL
- COURIER
- E-MAIL
- WILL NOT FOLLOW
- HAND DELIVERY
- WITH ENCLOSURES
- WITHOUT ENCLOSURES

Ben A. Katzenellenbogen	OI Counsel
Linda H. Liu	Jerry R. Sailor
Andrew N. Merickel, Ph.D.	Paul C. Steinhardt
Douglas T. Hudson	
David L. Hauser	
James F. Harkenhoff	
Scott L. Murray	
Roger S. Shang	
Andrew M. Douglas	
Marc T. Morley	
Saima A. Morani, Ph.D.	
Sam K. Tahmasebi, Ph.D.	
Christy L. Green	
Jafal Sadr	
Jonathan A. Hyman	
Curtiss C. Dosier	
Richard A. DeCristofaro	
Donna Q. Perdus, Ph.D.	
Joseph J. Mallon, Ph.D.	
Thomas P. Krzeminski	
Jeffrey A. Birchak	
Sean M. Murray	
Jason P. Fiorillo	
Elenore Niu	
Valerie L. Bracken	
Johnfar F. Kerec	
Jeremy P. Sanders	
Perry D. Oldham	
Jerry L. Hefner, Ph.D.	
Russell M. Jeide	
Abraham W. Chuang	
Ryan N. Ferr	
Pui Tong Ho	
Erik T. Anderson	
John L. Paik	
Eric K. Morton	
Jesse A. Rothwell	
Marc C. Baumgartner	
Ray B. Hom	
Danielle Klausner	
Kyle F. Schlueter	
Raphael A. Gutierrez	
Demian K. Jackson	
Nathan A. Engels	
Gregory A. Hermanson	

Solicitor (England & Wales)  
 J. David Everett

Scientists & Engineers  
 (Non-Lawyers)

Raimond J. Salminnick\*\*

Khurram Raham, Ph.D.

Tommy Y. Nagata

Cho B. Chereskin, Ph.D.\*\*

James W. Ausley\*\*

Jennifer Hayes

Kirk E. Paschrian, Ph.D.\*\*

Charles T. Ridgely

Bonny Young, Ph.D.

Connie C. Tong, Ph.D.

Suzanne G. Jepson, Ph.D.

David K. Wiggins

Megan M. McCoy

Nira M. Brand

Catherine M. Sanders

Jeffrey A. Hopkins

Tiffany C. Miller

James W. Chang, Ph.D.

Marina L. Gordey, Ph.D.

Ed DeJardins, Ph.D.\*\*

W. Frank Dauerar

Lang J. McHardy

Karen J. Lenker

Chris Westberg, Ph.D.

Eric B. Ives, Ph.D.

David C. Weber\*\*

\* A Professional Corporation  
 \*\* Also Barrister At Law from 1990-2000  
 ~ U.S. Patent Agent

## Facsimile Transmittal Sheet

### Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Attn: Office of Petitions, Petitions Attorney Cliff Congo

FIRM: US Patent and Trademark Office

FACSIMILE NO.: 703 308-6916

FROM: Richard E. Campbell

CLIENT CODE: ENSEMBL.038A

PAGES: 10 (INCLUDING THIS SHEET)

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

MESSAGE: Serial no. 09/938,216, filed on August 24, 2001.

FAX RECEIVED

SEP 04 2002

PETITIONS OFFICE

S:\DOCS\REC\FAX\PTO PETITIONS.DOC\090402

2000 Main Street  
 1st Floor  
 Irvine, CA 92614  
 Tel 949-750-0404  
 Fax 949-750-0502

201 California Street  
 Suite 1150  
 San Francisco CA 94111  
 Tel 415-954-4114  
 Fax 415-954-4111

1800 Avenue of the Stars  
 Suite 1425  
 Los Angeles CA 90067  
 Tel 310-551-3450  
 Fax 310-551-3458

3403 Tenth Street  
 Suite 700  
 Riverside CA 92501  
 Tel 909-781-9231  
 Fax 909-781-9507

1116 Marsh Street  
 San Luis Obispo CA 93401  
 Tel 805-547-5580  
 Fax 805-547-5590

## PATENT

Case Docket No. ENSEMB.038A

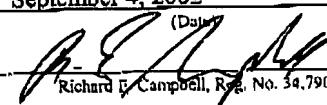
Date: September 4, 2002

Page 1

In re application of : Arviv et al.  
 App. No. : 09/938,216  
 Filed : August 24, 2001  
 For : ASYMMETRIC ADAPTIVE  
       MODULATION IN A  
       WIRELESS  
       COMMUNICATION SYSTEM  
 Examiner : Unassigned  
 Art Unit : 2681

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments  
 are being facsimile transmitted to the Patent and Trademark Office  
 on the date shown below:

September 4, 2002  
Richard E. Campbell, Reg. No. 34,790

UNITED STATES PATENT AND TRADEMARK OFFICE  
 P.O. Box 2327  
 Arlington, VA 22202

FAX RECEIVED

SEP 04 2002

PETITIONS OFFICE

Sir:

Transmitted herewith in the above-identified application:

- (X) Request for Reconsideration of Petition under 37 CFR 1.47(a).
- (X) Declaration of Penny Efrain with signature, address and citizenship.
- (X) Declaration of David Gazelle with the corrections.
- (X) An extension of time to respond for 2 months is hereby requested.

Time Extension Fee: two months (\$400 large entity)

- (X) Charge \$400 to Deposit Account No. 11-1410.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.
- (X) Please use Customer No. 20,995 for the correspondence address.



Richard E. Campbell  
 Registration No. 34,790  
 Attorney of Record  
 Customer No. 20,995